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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/900,458

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Jeffrey Nichols

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05/02/2006

BANNER & WITCOFF

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EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/900,458

Applicant(s)

NICHOLS ET AL.

Examiner

John B. Walsh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 47-66 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/9/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 24-46, drawn to a Portal, classified in class 709, subclass 228.
  - II. Claims 47-49, drawn to a Collaborative application, classified in class 709, subclass 204.
  - III. Claims 50-58, drawn to a Document repository, classified in class 709, subclass 216.
  - IV. Claims 59-66, drawn to a Directory service, classified in class 709, subclass 219.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different designs, modes of operation and effects.
3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Brad Wright on April 18th a provisional election was made without traverse to prosecute the invention of group I, claims 24-46. Affirmation of this election must be made by applicant in replying to this Office action. Claims 47-66 are

Art Unit: 2151

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 24-46 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. App. Pub. 2001/0044787 to Shwartz et al.

As concerns claim 24, a portal for a private network exchange having multiple service providers, comprising: a registration option (0082, line 3, 0026, 0028) for said private network (0081, lines 15-17).

As concerns claim 25, at least one information resource (web browser, 0024).

As concerns claim 26, a collaboration space (web browser, communication via web browser is collaboration space).

As concerns claim 27, a registration option for a directory service (0026; web browser is a directory service for navigating the network).

As concerns claim 28, at least one pointer (network address) to applications integrated into said private network.

Art Unit: 2151

As concerns claim 29, an option for customers of said private network to advertise their services (0028, commerce sites provide an option for advertising; "option" does not positively require advertising services).

As concerns claims 30 and 39, authentication/authorization resource to authenticate a user and determine the user's level of authorization (0028).

As concerns claims 31 and 40, a web browser (0024).

As concerns claims 32 and 41, said web browser can only access said portal through the private network (0081, secure private agent, private network).

As concerns claims 33 and 42, said portal comprises a set of web pages (inherent for web browser to access web pages).

As concerns claims 34 and 43, said web pages comprise an ability to search the private network (web browser inherently provides ability to search the network, "ability to" does not positively require the particular function only the ability to perform).

As concerns claims 35 and 44, said web pages provide an ability to view invoices/bills (web browser inherently provides ability to view invoices/bills on an e-commerce site, "ability to" does not positively require the particular function only the ability to perform; 0107).

As concerns claims 36 and 45, said web pages provide an ability to view groups to which a user belongs (web browser inherently provides ability to view groups, "ability to" does not positively require the particular function only the ability to perform; 0105).

As concerns claims 37 and 46, said search ability can be performed using key words or category created by a network administrator (web browser inherently provides ability to search

Art Unit: 2151

the network, "ability to" does not positively require the particular function only the ability to perform).


### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
Art Unit 2151